

**Application u/s 6(1) of the
Right to Information Act, 2005**

Anirban Chakraborty

S/o Nk Gopal Chakraborty (Retd.)
2 No. Motilal Colony, P.O.: Rajbari Colony,
Calcutta 700081, (N) 24 Pgs., West Bengal,

Published. RTIOnline.

✶ The RTI Investigator was
bullied by the CIC and is
being repeatedly threatened
by the Indian Military. The
RTI Act is in grave danger.

📞
✉ Oligarchy.of.India@gmail.com
🌐 <http://oligarchyofindia.iblogger.org>
https://archive.org/details/@oligarchy_of_india

Ref. RTI/AC5A/CIC/1(26)
No

To,
The Central Public Information Officer
Office of Central Information Commission
Government of India
CIC Bhawan, Baba Gangnath Marg, Munirka
New Delhi - 110067

Rupees Ten paid
by net banking to
RTI Fees RTIONLINE.GOV.IN

Dated Calcutta the 18th March 2024.

Subject:

**R.T.I. Investigation against Central Information Commissioner Shri Vinod Kumar Tiwari
for bullying me into denial of my right to argue during hearing dated 15th Jan 2024
in CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662,
for giving fraudulent decision that hides from the public half the truth as stated in my
submitted written statement having diary nos. 601184 & 601186(identical) dt. 8th Jan 2024,
and for not taking action against Lt Col S.C. Katoch (Army) who threatened me
with defamatory and scandalous allegations for doing R.T.I. Investigations into the E.C.H.S.**

References:

Futile complaints filed against Shri Vinod Kumar Tiwari:

- 1) Reference No. CPT/AC5A/CIC/2(24) dated 18th Jan 2024,
Registry Post to Chief Info. Commissioner RW120177852IN.
- 2) Ref. No. CPT/AC5A/POIND/3(24) dt. 28th Jan 2024, President's
Secretariat PRSEC/E/2024/0003888.
- 3) Ref. No. CPT/AC5A/DPTND/4(24) dt. 6th Feb 2024, PGPORTAL
DOPAT/E/2024/0001088.
- 4) Appeal dated 19th Feb 2024, PGPORTAL DOPAT/E/A/24/0000222.

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Respected Official,

Cause of action: In the interest of the 52 lakhs aged, alone, and helpless E.C.H.S. beneficiaries and my parents, who are neglected and intimidated by the administrators of the E.C.H.S., I filed the referred two 2nd RTI Appeals because the information sought was illegally and disguisedly stonewalled. **Further, for doing RTI Investigations against the corrupt and dishonest administrators of the E.C.H.S., I have being personally targeted and subject to scandalous and defamatory allegations by Lt Col S.C. Katoch, which I reported in my written statement after obtaining documentary evidences from the Indian Military, in my favour.**

Perhaps I truly failed to realise beforehand that we were slaves of British and still we are slaves of our own people in power. In real sense we never got freedom from starvation, fear, and slavery; that is why no Railway C.P.I.O. but one gave reply for the RTI query that how much public money has Indian Railway spent on publicity of Prime Minister Mr. Modi in Railway Stations, one Railway C.P.I.O. who replied has been punished for doing duty faithfully¹.

Perhaps I truly failed to realise beforehand that there is no democracy in India, and what I was doing in the public interest was against the Emperor of India. During the hearing, Central Information Commissioner Shri Vinod Kumar Tiwari was doing partiality and had a great rush. Shri Vinod Kumar Tiwari was unwilling to allow me to speak, to impugn the RTI reply letters of the Indian Military, to state the reason for the information sought, and to state the grounds. I begged to Shri Vinod Kumar Tiwari to hear the grounds for the first 2nd Appeal; but the individual swiftly moved to the second 2nd Appeal, and without letting me to argue for the second 2nd Appeal, suddenly said "decision has been taken on both the 2nd Appeals". I begged to Shri Vinod Kumar Tiwari to hear the reason for the information sought and reminded that 52 lakhs aged beneficiaries out there are watching, but Shri Vinod Kumar Tiwari said "I am not interested to listen to your lecture"; when I insisted, I was ordered to maintain decorum. Noticing that the hearing was a sham, I was forced to speak about the cruelty that I have had being subjected to in the hands of the Indian Military to let Shri Vinod Kumar Tiwari know about the gravity of the matter, but Shri Vinod Kumar Tiwari hurriedly disconnected the video conference not letting me to complete.

I spoke only for two or three minutes maximum for both the 2nd Appeals. The pain and suffering of the 52 lakhs Ex-servicemen and their dependents is lecture in the ears of the Information Commissioner. The Indian Military and the Central Information Commission, are together a part of the Oligarchy of India. The

¹ The Times of India, New Delhi, 3rd January 2024, Pg. No. 15: Railway official who gave PM selfie booths' cost info shunted.

Indian Military is doing cruelty to me and Information Commissioner Shri Vinod Kumar Tiwari bullied me into depriving me of my right to defend my cases in the hearing.

I do not mean disrespect, but appointment of an Information Commissioner having no formal education in law is a deliberate and intentional attempt of the Emperor of India to weaken the Right to Information Act, 2005, and to defeat accountability in the government. In the hearing, I told that the Indian Military never ever gave me an opportunity for hearing in the 1st Appeals, but Shri Vinod Kumar Tiwari said there is no provision in law for that. On the contrary, right to hearing is the natural law:

File No.CIC/SA/A/2014/000254

Summary:

1. Passing orders in first appeal without hearing or sending hearing notice is illegal and will render the order invalid. The Commission sets aside the order of First Appellate Authority for violating RTI Act and breach of natural justice by denying the appellant a chance of presenting his case and by raising entirely a new defence which was never claimed. Commission finds it deserves action though the concerned officer retired from service and recommends Public Authority to initiate disciplinary action against the concerned FAO for acting totally against the RTI Act in this case.

And similar judgments in W.P. (C) 7072/2009 + C.M. No. 2584/2009 Delhi High Court and Civil Appeal No. 9095/2012 Supreme Court.

In the referred complaints, I repeatedly requested for hearing for both the 2nd Appeals be done in the Full Bench; but Joint Secretary Rahul Rastogi from C.I.C. denied my request, even after I approached the President of India.

The larger public interest: The damage caused by corruption in nonelected government is far greater than the damage caused by corruption in elected government, as we cannot vote out abuse of position, intimidation, deception, delinquency, unscrupulousness, corruption, oppression, and suppression, speaking of which is taboo when it is in political interest of the government.

When oligarchs flout the rule of law to act in a way that benefits the officials or organisation, officials or organisation abuse entrusted power for the benefit of their own; then, their ability to fulfil their duties objectively and impartially and act in the best interests of those they serve is compromised, conflict of interests deepens, and public confidence in government plummets. It leads to biased decision-making, favouritism, and intentional or reckless facilitation, concealment, or disguise in the public documents an occurrence of abetment or offence, undermining the integrity of the organisation. Officials who aid, abet, counsel, procure, solicit,

or incite the commission of the offences are also guilty of an offence. On a federal level, under the Indian Penal Code, such offences in the public sector is dealt with under the following sections:

107. Abetment of a thing.— A person abets the doing of a thing, who—

First.— Instigates any person to do that thing; or

Secondly.— Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.— Intentionally aids, by any act or illegal omission, the doing of that thing.

119. Public servant concealing design to commit offence which it is his duty to prevent.—

Whoever, being a public servant intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent,

1[voluntarily conceals, by any act or illegal omission or by the use of encryption or any other information hiding tool, the existence of a design] to commit such offence, or makes any representation which he knows to be false respecting such design,

if offence be committed.—shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both;

120A. Definition of criminal conspiracy.—When two or more persons agree to do, or cause to be done,—

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

120B. Punishment of criminal conspiracy.—

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 1[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than

a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Crime against even one RTI Investigator is crime against nation; organised and institutional crime happens with the people just because of the fact that people are alone in pitch dark night and judiciary, which acts as a goalkeeper of the governance, is divorced. Justice is not free as air but comes at a price - justice is not a right but a mere privilege. The people can, therefore, sometimes exert immense leverage by publication of what is happening in the darkness of the Oligarchy of India as their only recourse.

Note: Just because of Shri Vinod Kumar Tiwari I have started privately publishing in the Internet every document written to the Central Government, reply of the government, and report of my investigation done.

Request for information: (Only four queries)

- Under the section 3 and 6 of the Department of Personnel and Training's Office Memorandum dated 15th April 2013 being no. 1/6/2011-IR and under the section 1.4 of the Guidelines therein, which has been forwarded to all ministries.

1) Information sought: Please provide the internet address (URL) where this RTI Application and the reply of the C.P.I.O. have been published in the website of the Central Information Commission for the people of India.

- In the decision dated 17th Jan 2024 on the 2nd Appeals having file nos. CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662, Information Commissioner Shri Vinod Kumar Tiwari has written:

*The above-mentioned Appeals are clubbed together as the Appellant is common and **subject-matter is similar in nature** and hence are being disposed of through a common order.*

Whereas in the decision the subject of CIC/DEXSW/A/2022/664968 has been quoted from the RTI Application:

*<https://archive.org/details/central-information-commission>
A requisition for maintaining transparency sou moto in the order of processing of reimbursement claims of the beneficiaries of the Ex-servicemen Contributory Health Scheme at the level of Polyclinics all over India under the Section 4 of the Right to Information Act, 2005.*

And whereas in the said decision the subject of CIC/DEXSW/A/2023/639662 has **NEITHER** been quoted from the RTI Application:

A RTI application requesting publication of the information sought for education and empowerment of the E.C.H.S. beneficiaries about their rights, lawful actions that can be taken under unforeseen circumstances for protection of lives, and vigilance.

NOR been quoted from the RTI 1st Appeal:

For education and empowerment of all the E.C.H.S. beneficiaries in India and for preventing abuse and unfair practices happening repeatedly with the beneficiaries, an appeal impugning RTI Reply being no. 24(09)/2022-D(WE)/Res-1 dated 7th Mar 2023 of the CPIO and Deputy Director DESW D(WE), Nanda Kishore Panda, for RTI Online Application registration No. DEXSW/R/E/23/00075 dt. 23rd Jan 2023.

Instead in the said decision the following query no. 1 has been quoted from the RTI Application:

*Gather the records of all the **disposed/closed/non-pending cases** filed anywhere in India **by or against the E.C.H.S.** in the High Courts, the Supreme Court, the District Consumer Fora, the State Consumer Commissions, the National Consumer Commission, the Armed Forces Tribunals, The Central Information Commission, and the like **since inception of the E.C.H.S., i.e. the year 2003, and till date**, and publish the same in the websites of the E.C.H.S. and the D.E.S.W. in the manner stated as follows ...*

Clearly the subject matters of both the 2nd Appeals are not **"similar in nature"** as written in the said decision but are absolutely different, which can be named as (1) **Order of Reimbursement Case** and (2) **Education & Empowerment Case**. The people of India, therefore, want to decide, is Shri Vinod Kumar Tiwari an upright and honest official in discharge of its duties; thus, the people of India demand to know the contents of my written statement on the anvil of which the said decision of Shri Vinod Kumar Tiwari and my allegation against the information commissioner can be judged.

Shri Vinod Kumar Tiwari will be held accountable; if my allegations are baseless; then, Shri Vinod Kumar Tiwari will readily and responsibly disclose to the people of India my written statement, which is submitted to and is under so much tight control of the Central Information Commission that the public is totally unaware of.

2) Information sought: Please publish my signed written statement submitted to the Central Information Commission on 8th Jan 2024 having diary nos. 601184 and 601186 (both identical), **by appending my written statement with the published order dated 17th Jan 2024** of Central Information Commissioner Shri Vinod Kumar Tiwari in the File Nos. CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662. Kindly confirm in writing if my request has been granted.

(This goes in harmony with the motive and purpose behind the Department of Personnel and Training's Office Memorandum dated 15th April 2013 being no. 1/6/2011-IR.)

- Under the section 3, 4, and 5 of the Department of Personnel and Training's Office Memorandum dated 15th April 2013 being no. 1/6/2011-IR:

- ❖ Under the section 1.4 of the Guidelines therein, have the Department of Ex-servicemen Welfare and Central Organisation Ex-servicemen Contributory Health Scheme suo moto published RTI Applications, RTI Appeals, and RTI Replies; then, they would not have temerity to ruin the health care scheme for the Ex-servicemen, do mockery of the RTI Act, and threaten the RTI Investigator.

- ❖ Under the section 4.4 of the Guidelines therein, have the Department of Ex-servicemen Welfare and Central Organisation Ex-servicemen Contributory Health Scheme "get its proactive disclosure package audited by third party every year"; then, the auditor would have surely bring into notice of the public authorities what I was trying to do by the means of the aforesaid 2nd Appeals.

The people of India, therefore, demand to know has the Central Information Commission ever ensured that the Department of Ex-servicemen Welfare and Central Organisation Ex-servicemen Contributory Health Scheme are complying with the Department of Personnel and Training's Office Memorandum dt. 15th April 2013 being no. 1/6/2011-IR.

3) Information sought: Please provide me by email the soft copies of (1) Reports of Audits done & (2) advice/recommendations given by the Central Information Commission in **the last five years from date** for the public authorities (1) Department of Ex-servicemen Welfare & (2) Ex-servicemen Contributory Health Scheme, under the following section of the Department of Personnel and Training's Office Memorandum dated 15th April 2013 being no. 1/6/2011-IR:

4.5 The Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries/ Public Authorities each year with regard to adequacy of items included as well as compliance of the Ministry/Public Authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.

If there are no Audit Reports/advice/recommendations given; then, kindly provide copies of the documented reasons.

- When we call customer care of a telecom operator, a message is played saying that our conversation will be recorded for training purpose. The hearing dated 15th Jan 2024 happened through video conferencing, me at Calcutta and the union of the public authority and Shri Vinod Kumar Tiwari in one room at New Delhi. The people of India demand to know what happened during the hearing behind the closed doors.

4) **Information sought:** Please provide me in **Compact Disk** the audio and video recording of my hearing dated 15th Jan 2024 for my 2nd Appeals having File Nos. CIC/DEXSW/A/2022/664968 and CIC/DEXSW/A/2023/639662. I shall pay the cost of CD.

Please provide the information sought at the earliest. Thanks.

Hopefully, &c.,

Place: Dum Dum, Calcutta.

Enclosures: (Digital copies)

(Signed)

ANIRBAN CHAKRABORTY

Patient-party and authorised
representative.

1) PAN Card as ID Proof.

2) DoPT's MO no. 1/6/2011-IR (only
selected pages).

AFFIDAVIT

I Anirban Chakraborty S/o Nk Gopal Chakraborty (Retired) aged about 36 years being an Indian citizen and in the capacity of being the offspring and the patient-party; do hereby solemnly affirm that the statements made in this application are true to my knowledge and information received and the rest are my humble submissions.

ANIRBAN CHAKRABORTY

Cannot sign in ink because it
will exceed the permitted
document size of 1MB.



C% B

Statutory Notice

Details contained herein like contact information, enclosures and IDs are personal, which is solely intended for the addressee(s) herein mentioned; it has no relation to any Third Party. Indexing by search engines and publication in websites of personal details and documents would attract contempt of Court, vide W.P. 33290(W) of 2013, Calcutta High Court. Such publication is in contravention to the Office Memorandum of Department of Personnel and Training being no. 1/31/2013-IR dated 8th Jan 2014, too. To prevent misuse or theft of personal details inadvertently published, Third Party, if obtains a copy of this unredacted document anyhow, is required to delete the copy immediately. EoD

No.1/6/2011-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 15th April, 2013

OFFICE MEMORANDUM

Subject: Implementation of *suo motu* disclosure under Section 4 of RTI Act, 2005 – Issue of guidelines regarding:

Section 4(1)(b) of the RTI Act lays down the information which should be disclosed by Public Authorities on a *suo motu* or proactive basis. Section 4(2) and Section 4(3) prescribe the method of dissemination of this information. The purpose of *suo motu* disclosures under Section 4 is to place large amount of information in public domain on a proactive basis to make the functioning of the Public Authorities more transparent and also to reduce the need for filing individual RTI applications.

2. Since the promulgation of the Act in 2005, large amount of information relating to functioning of the government is being put in public domain. However, the quality and quantity of proactive disclosure is not up to the desired level. It was felt that the weak implementation of the Section 4 of the RTI Act is partly due to the fact that certain provisions of this Section have not been fully detailed and, in case of certain other provisions there is need for laying down detailed guidelines. Further there is need to set up a compliance mechanism to ensure that requirements under section 4 of the RTI Act are met.

3. In order to address the above, Government of India constituted a Task Force on *suo motu* disclosure under the RTI Act, 2005 in May 2011 which included representatives of civil society organizations active in the field of Right to Information, for strengthening compliance with provisions for *suo motu* or proactive disclosure as given in Section 4 of the RTI Act, 2005. Based on the report of the Task Force, the Government have decided to issue guidelines for *suo motu* disclosure under section 4 of the RTI Act.

4. Guidelines for Central Government Ministries/Departments are on:
- Suo motu* disclosure of more items under Section 4.
 - Guidelines for digital publication of proactive disclosure under Section 4.
 - Detailing of Section 4(1)(b)(iii), 4(1)(b)(iv), 4(1)(b)(xi) and 4(1)(b)(xiv)
 - Compliance mechanism for *suo motu* disclosure (proactive disclosure) under the RTI Act, 2005.
5. The above guidelines are enclosed. However, it may be kept in mind that proactive disclosure should be done in the local language so that it remains accessible to public. It should be presented in a form that is easily understood and if technical words are used they should be carefully explained. As provided in section 4, disclosure should be made in as many mediums as feasible and disclosures should be kept up to date. The disclosure of Information may be made keeping in mind the provisions of Section 8 to 11 of the RTI Act.
6. Central Government Ministries/ Departments should undertake *suo motu* disclosure and ensure compliance based on these guidelines.
7. The enclosed guidelines may be brought to the notice of all for compliance.

Manoj Joshi

(Manoj Joshi)
Joint Secretary
Tele : 23093668

1. All the Ministries/Departments of the Government of India
2. Union Public Service Commission, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Central Vigilance Commission, President's Secretariat, Vice-President's Secretariat, Prime Minister's Office, Planning Commission, Election Commission.
3. Central Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

Copy to : Chief Secretaries of all the States/UTs.

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Guidelines on *suo motu* disclosure under Section 4 of the RTI Act

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the RTI Act would not be disclosed *suo motu*. Further, information about fees, tolls, or other kinds of revenue that may be collected under authorization from the Government, information in respect of outputs and outcomes, process of selection of the private sector party may also be proactively disclosed. All payments made under the PPP project may also be disclosed in a periodic manner along with the purpose of making such payment.

1.3 Transfer Policy and Transfer Orders

1.3.1 Transfer policy for different grades/cadres of employees serving in Public Authority should be proactively disclosed. All transfer orders should be publicized through the website or in any other manner listed in Section 4(4) of the Act. These guidelines would not be applicable in cases of transfers made keeping in view sovereignty, integrity, security, strategic, scientific or economic interests of the State and the exemptions covered under Section 8 of the Act. These instructions would not apply to security and intelligence organizations under the second schedule of the RTI Act.

1.4 RTI Applications

1.4.1 All Public Authorities shall proactively disclose RTI applications and appeals received and their responses, on the websites maintained by Public Authorities with search facility based on key words. RTI applications and appeals received and their responses relating to the personal information of an individual may not be disclosed, as they do not serve any public interest.

1.5 CAG & PAC paras

1.5.1 Public Authorities may proactively disclose the CAG & PAC paras and the Action Taken Reports (ATRs) only after these have been laid on the table of both the houses of the Parliament. However, CAG paras dealing with information about the issues of sovereignty, integrity, security, strategic, scientific or economic interests of the State and information covered under Section 8 of the RTI Act would be exempt.

1.6 Citizens Charter

1.6.1 Citizens Charter prepared by the Ministry/Department, as part of the Result Framework Document of the department/organization should be proactively disclosed and six monthly report on the performance against the benchmarks set in Citizens Charter should also be displayed on the website of public authorities.

4.0 Compliance with Provisions of *suo motu* (proactive) disclosure under the RTI Act

4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.

4.2 Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.

4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link, to the DoPT and Central Information Commission soon after the expiry of the initial period of 6 months.

4.4 Each Ministry/ Public Authority should get its proactive disclosure package audited by third party every year. The audit should cover compliance with the proactive disclosure guidelines as well as adequacy of the items included in the package. The audit should examine whether there are any other types of information which could be proactively disclosed. Such audit should be done annually and should be communicated to the Central Information Commission annually through publication on their own websites. All Public Authorities should proactively disclose the names of the third party auditors on their website. For carrying out third party audit through outside consultants also, Ministries/Public Authorities should utilize their plan/non-plan funds.

4.5 The Central Information Commission should examine the third-party audit reports for each Ministry/Public Authority and offer advice/recommendations to the concerned Ministries/ Public Authorities.

4.6 Central Information Commission should carry out sample audit of few of the Ministries/ Public Authorities each year with regard to adequacy of items included as well as compliance of the Ministry/Public Authority with these guidelines.

4.7 Compliance with the proactive disclosure guidelines, its audit by third party and its communication to the Central Information Commission should be included as RFD target.